

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, May 10, 2013
Mohave County Board of Supervisors Auditorium
700 W. Beale Street
Kingman, Arizona 86401

PRESENT: (Commission)

(Director's Staff)

Vice Chairman John W. Harris
Commissioner Robert E. Mansell
Commissioner Kurt R. Davis
Commissioner Edward "Pat" Madden

Director Larry D. Voyles
Deputy Director Ty E. Gray
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Theodore P. Zachary	2013-0026	Count A:	Take Wrong Sex (Bull Elk)
		Count B:	Possess Unlawfully Taken Wildlife (Bull Elk)
Phillip L. Honomichl	2013-0027	Count A:	Obtain 2012 Resident Hunting License by Fraud
		Count B:	Obtain 2012 Resident Big Game Tag by Fraud
Phillip L. Honomichl	2013-0028	Count A:	Obtain 2011 Resident Hunting License by Fraud
Phillip L. Honomichl	2013-0029	Count A:	Take Wildlife Without Valid License (Dove)
		Count B:	Possess/Transport Unlawfully Taken Wildlife (Dove)
Steven J. Welch	2013-0031	Count B:	Possess Unlawfully Taken Wildlife (Dove)

Roll call was taken and the following were present: Theodore Zachary, Philip Honomichl, Steven Welch.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to

consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous
4 to 0

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Theodore P Zachary
Docket # 2013-0026

Zachary was found guilty by the Show Low Justice Court for: Count A: Take wrong sex; Count B: Possess unlawfully taken wildlife; and sentenced: Fined: \$500.00 (\$157.14 of which to be paid to the Wildlife Theft Prevention Fund).

Case Officer was present via video teleconference.

Zachary was present and addressed the Commission stating that everything in the report was completely accurate and that his mistake was a good faith mistake. He thought the spike elk was covered under his tag and the antlerless regulations. The animal was well taken care of and the meat was in perfect condition for the homeless shelter where it was given and utilized. He understands his mistake and a license revocation for a period of time, but he asked the Commission for no civil assessment.

Motion: Madden moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF THEODORE P. ZACHARY TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Mansell stated that he believed this was an honest mistake and that he could not support a one year revocation.

Chairman Harris suggested an amendment to change the license revocation period from one year to suspend until the completion of the Hunter Education course.

Motion withdrawn.

Motion: Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF THEODORE P. ZACHARY TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE SUSPENDED UNTIL HE COMPLETES THE HUNTER EDUCATION COURSE AND PROVIDES PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous
4 to 0

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Steven J. Welch
Docket # 2013-0031

Welch was found guilty by the Bullhead Justice Court for: Count B: Possess unlawfully taken wildlife; and sentenced: Fined: \$500.00.

The Case Officer was present.

Welch was present and addressed the Commission stating that he never intended to defraud the State of Arizona or the Commission. Based on owning property in Arizona, he thought he was qualified to get a resident hunting license. The merchant who sold him the license asked if he had a residence and paid taxes in Arizona for the last six months and he said yes, and that maintained a California driver's license because he was required to by his work. This was not an intentional act on his behalf. He asked the Commission not to revoke his license or to apply a civil assessment.

Chairman Harris confirmed with Mr. Welch that he also had a California resident hunting license.

Commissioner Davis confirmed with Mr. Welch that he has his boat and trailer register in Arizona as a non-resident.

Welch stated that at the time he registered his boat, he did not consider himself to be a resident.

Commissioner Davis confirmed with Mr. Welch that he had a resident license in both California and Arizona.

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF STEVEN J. WELCH TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE

DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **STEVEN J. WELCH** TO COLLECT THE AMOUNT OF **\$150.00** FOR THE LOSS OF **THREE (3) DOVES**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Davis stated that he will vote no because he believes that everyone knows where home is and it bothers him that Mr. Welch had a resident license in both Arizona another state.

Vote: Aye - Harris, Mansell, Madden
Nay - Davis
Passed 3 to 1

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Phillip L. Honomichl
Docket # 2013-0027

Honomichl was found guilty by the Hassayampa Justice Court for: Count A: Obtain 2012 resident hunting license by fraud; and Count B: Obtain 2012 resident big game tag by fraud; and sentenced: Combined fine: \$797.50.

Case Officer Phleger was present.

Honomichl was present and addressed the Commission stating that he has had a residence in Arizona for 14 years. He had a California resident license at the time he purchased an Arizona resident license, but did not know or check if this was allowed.

Commissioner Davis questioned Mr. Honomichl about his 14-year residence that he has in Arizona and yet on his license application, he put one year. Mr. Honomichl had been applying as a non-resident until 2010 and Commissioner Davis asked what had changed.

Honomichl stated that he retired and was spending about the same amount of time in both states.

Motion: Davis moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **PHILLIP L. HONOMICHL** TO **HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND

ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous
4 to 0

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Phillip L. Honomichl
Docket # 2013-0028

Honomichl was found guilty by the Parker Justice Court for: Count A: Obtain 2011 resident hunting license by fraud; and sentenced: Fine: \$250.00.

The Commission took no action in this case.

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Phillip L. Honomichl
Docket # 2013-0029

Honomichl was found guilty by the Salome Justice Court for: Count A: Take wildlife without valid license; and Count B: Possess/transport unlawfully taken wildlife; and sentenced: Combined fine: \$288.00.

Case Officer Phleger was present.

Motion: Mansell moved and Madden seconded THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **PHILLIP L. HONOMICHL** TO COLLECT THE AMOUNT OF **\$350.00** FOR THE LOSS OF **SEVEN (7) DOVES;** AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous
4 to 0

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These hearings concluded at 2:45 p.m.

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